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**In Re Application of:** David Davenport and Richard Hoare  
**US Application Number:** 10/562,034  
**Filing Date:** 22 December 2005  
**Title:** Chiller  
**Group Art Unit:** 3744  
**Examiner:** JONES, MELVIN  
**Attorney Docket No:** BRE0307U

29 October 2007

Dear Sirs,

The applicant is in receipt of the first examination report, dated 10 September 2007, in respect of the above referenced application.

The examiner has rejected claims 14, 16, 17, and 20 as being anticipated by Kouwenberg (US 6330808). The examiner has also objected to claims 15, 18, and 19 as being based on a rejected claim (claim 14). Per the examiner's report, claims 15, 18, and 19 will be allowable if they are amended to incorporate all of the limitations of claim 14.

## **First Proposed Amendment**

The applicant cancels claim 14, and amends claims 15 so as to incorporate all of the integers originally recited in claim 14. The amended claim 15 is now allowable. Claims 16 to 20 are amended and are now dependent on claim 15. The amended claims 16 to 20 are therefore also allowable.

Claim replacement sheets for the amended claims are enclosed.

## **Response to the Examiner's Report**

After considering Kouwenberg's device, the applicant disagrees with the examiner on the above mentioned rejections and objections.

Claim 14, on which original claims 15 to 20 are dependent, is not anticipated by Kouwenberg. Claim 14 of the application recites a "freezer brick" that has a "body portion having an internal cavity, and two open ends sealed with a polymeric seal." Unlike the claimed invention, the "freezer brick" described by Kouwenberg only has one open end. This is unambiguously shown in Figure 11 of US 6330808. More specifically, Kouwenberg's freezer brick has an internal compartment (14) that has a top wall (41) and a bottom wall (42). While the bottom wall defines an opening (46), the top wall does not.

The original claim 16 is not anticipated by Kouwenberg. The original claim 16 adds the limitation that "the body portion has formed in it exterior longitudinal ribs." This limitation is not taught by Kouwenberg. The examiner has misinterpreted Kouwenberg's teaching. In Kouwenberg's device, each "panel segment" (Figure 1, ref 9) corresponds to a freezer brick, because the segments are lined up against each other to form a ring for a wine bottle. None of Kouwenberg's drawing figures, where the "panel segments" are depicted, show "exterior longitudinal ribs" within the panels. The examiner might have interpreted the hinges (Figures 1 and 8, ref 10) to be the longitudinal ribs. This interpretation is incorrect because the claimed ribs are parts of

the body portion of each panel segment. The ribs are not a corollary of the assembly of different panel segments.

The original claim 17 is not anticipated by Kouwenberg. The original claim 17 adds the limitation that “a cap cooperates with the seal.” Therefore, the original claim 17 clearly states that the invention has a seal and a cap. In contrast, Kouwenberg’s device has only a cap or a seal (47), but not both. Referring to Figure 11 of US 6330808, the panel segment’s opening is closed by a cap. Assuming Kouwenberg’s cap (47) could be interpreted as the “cap” in the original claim 17, Kouwenberg’s device would lack a “seal”. Assuming Kouwenberg’s cap could be interpreted as the “seal” in the original claim 17, Kouwenberg’s device would lack a “cap”.

The original claim 20 is not anticipated by Kouwenberg. The original claim 20 adds the limitation that the freezer bricks cooperate to form a ring by locating against one another. This limitation is taught by Kouwenberg. Nonetheless, claim 20 is novel, because claim 14, being the base for the original claim 20, is novel. As prior demonstrated, claim 14 is in fact novel in light of Kouwenberg’s device. Therefore, the examiner’s objections against the original claims 15, 18, and 19 have no ground. The original claims 15, 18, and 19 are patentable.

In view of the proposed amendments and the above arguments, the examiner is requested to allow the amended claims 15 to 20.

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Regards,



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